

Fill in this information to identify your case:

United States Bankruptcy Court for the:

District of Utah

Case number (If known): _____ Chapter you are filing under:
☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☒ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

04/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name Write the name that is on your government-issued picture identification (for example, your driver's license or passport). Bring your picture identification to your meeting with the trustee.	Brandie First name Middle name Heath Last name Suffix (Sr., Jr., II, III)	 First name Middle name Last name Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8 years Include your married or maiden names.		
3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)	XXX - XX - 4 7 4 2 OR 9 XX - XX -	XXX - XX - OR 9 XX - XX -

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

Include trade names and *doing business as* names

About Debtor 1:

☒ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

About Debtor 2 (Spouse Only in a Joint Case):

☐ I have not used any business names or EINs.

Business name

Business name

EIN

EIN

5. Where you live

536 S 300 E

Number Street

Brigham City UT 84302

City State ZIP Code

Box Elder County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

If Debtor 2 lives at a different address:

Number Street

City State ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number Street

P.O. Box

City State ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain.
(See 28 U.S.C. § 1408.)

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under

Check one. (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

☐ Chapter 7

☐ Chapter 11

☐ Chapter 12

☒ Chapter 13

8. How you will pay the fee

☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.

☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).

☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?

☐ No

☒ Yes.

District Utah

When 10/13/2021

Case number 21-24374

District _____

When _____

Case number _____

District _____

When _____

Case number _____

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?

☒ No

☐ Yes.

Debtor _____

Relationship to you _____

District _____

When _____

Case number, if known _____

Debtor _____

Relationship to you _____

District _____

When _____

Case number, if known _____

11. Do you rent your residence?

☒ No. Go to line 12.

☐ Yes. Has your landlord obtained an eviction judgment against you?

☐ No. Go to line 12.

☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

☒ No. Go to Part 4.

☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number Street

City

State

ZIP Code

Check the appropriate box to describe your business:

☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))

☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))

☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))

☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor or a debtor as defined by 11 U.S.C. § 1182(1)?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor or a debtor choosing to proceed under Subchapter V so that it can set appropriate deadlines. If you indicate that you are a small business debtor or you are choosing to proceed under Subchapter V, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

☒ No. I am not filing under Chapter 11.

☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.

☐ Yes. I am filing under Chapter 11, I am a debtor according to the definition in § 1182(1) of the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

☒ No

☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

☐ **I am not required to receive a briefing about credit counseling because of:**

☐ **Incapacity.** I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

☐ **Active duty.** I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes**16. What kind of debts do you have?****16a. Are your debts primarily consumer debts?** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

- ☐ No. Go to line 16b.
☒ Yes. Go to line 17.

16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.

- ☐ No. Go to line 16c.
☐ Yes. Go to line 17.

16c. State the type of debts you owe that are not consumer debts or business debts.**17. Are you filing under Chapter 7?**☒ No. I am not filing under Chapter 7. Go to line 18.

Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?

- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No
☐ Yes

18. How many creditors do you estimate that you owe?

- ☐ 1-49
☒ 50-99
☐ 100-199
☐ 200-999

- ☐ 1,000-5,000
☐ 5,001-10,000
☐ 10,001-25,000

- ☐ 25,001-50,000
☐ 50,001-100,000
☐ More than 100,000

19. How much do you estimate your assets to be worth?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☒ \$100,001-\$500,000
☐ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

20. How much do you estimate your liabilities to be?

- ☐ \$0-\$50,000
☐ \$50,001-\$100,000
☐ \$100,001-\$500,000
☒ \$500,001-\$1 million

- ☐ \$1,000,001-\$10 million
☐ \$10,000,001-\$50 million
☐ \$50,000,001-\$100 million
☐ \$100,000,001-\$500 million

- ☐ \$500,000,001-\$1 billion
☐ \$1,000,000,001-\$10 billion
☐ \$10,000,000,001-\$50 billion
☐ More than \$50 billion

Part 7: Sign Below**For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

X /s/ Brandie Heath

Signature of Debtor 1

Executed on 02/15/2022

MM / DD / YYYY

X

Signature of Debtor 2

Executed on

MM / DD / YYYY

Debtor 1

Brandie Heath

First Name

Middle Name

Last Name

Case number (if known)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

X

/s/ Kent Winward

Date

02/15/2022

Signature of Attorney for Debtor

MM / DD / YYYY

Kent Winward

Printed name

The Bankruptcy Firm

Firm name

4850 Harrison Blvd.

Number Street

Suite 1

Ogden

UT

84403

City

State

ZIP Code

Contact phone 8013928200

Email address utahbankruptcyfirm@gmail.com

5562

UT

Bar number

State

United States Bankruptcy Court

District of Utah

In re Brandie Heath

Case No. _____

Debtor

Chapter ¹³ _____

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

☒ FLAT FEE

For legal services, I have agreed to accept \$ 3,500.00
Prior to the filing of this statement I have received. \$ 0.00
Balance Due. \$ 3,500.00

☐ RETAINER

For legal services, I have agreed to accept a retainer of \$ _____
The undersigned shall bill against the retainer at an hourly rate of \$ _____
[Or attach firm hourly rate schedule.] Debtor(s) have agreed to pay all Court approved fees and expenses exceeding the amount of the retainer.

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify)

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the Agreement, together with a list of the names of the people sharing the compensation is attached.

5. In return of the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

d. [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed.

The following fee is for reasonable value of such services pursuant to 11 USC 329(b). Furthermore, the fee in cases under Chapter 7 of the Bankruptcy Code shall be deemed under Section 329 to be assessed by the Court for purposes of 11 USC 523(17), absent any objection by a party in interest. Such objection shall be made prior to the discharge of the debtor.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding or filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods or exempt property.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

02/15/2022

/s/ Kent Winward, 5562

Date

Signature of Attorney

The Bankruptcy Firm

Name of law firm
4850 Harrison Blvd.
Suite 1
Ogden, UT 84403
8013928200
utahbankruptcyfirm@gmail.com

Aaron Olsen
990 Medical Ddr
Brigham City, UT 84302

Comenitybank/Victoria
Po Box 182789
Columbus, OH 43218

Ally Bank c/o AIS Portfolio Services, LP
4515 N. Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

Country Hills Eye Center
875 Country Hills Dr
Ogden, UT 84403

Ally Bank Jeffrey J. Brown, CEO
200 W CIVIC CENTER DR STE 201,
Sandy, UT 84070

Credit One Bank
PO Box 98873
Las Vegas, NV 89193-0000

Alpha 1 Construction
10909 US Hwy 39
Huntsville, UT 84317

Creditonebnk
Po Box 98872
Las Vegas, NV 89193

Alpina Legal
2230 N University Pkwy #7E
Provo, UT 84604-0000

Dept Of Ed/Navient
Po Box 9635
Wilkes Barre, PA 18773

America First Credit Union
2715 W 5400 S
Salt Lake City, UT 84129-0000

Deseret First Credit Union
390 S. Main Suite 200
Bountiful, UT 84010-0000

American Express
P.O. Box 0001
Los Angeles, CA 90096-0001

Eve Micksell
866 W 7325 S
Willard, UT 84340

Amex
P O Box 7871
Fort Lauderdale, FL 33329

Express Rcvy
Po Box 26415
Salt Lake City, UT 84126

Aspire
PO Box 650832
Dallas, TX 75265

Express Recovery Services
PO Box 26415
Salt Lake City, UT 84126-0415

Barclays Bank Delaware
PO Box 8803
Wilmington, DE 19899-8803

Fed Loan Serv
PO BOX 60610
Harrisburg, PA 17106-0000

Barclaysbk
1007 Orange Street Suite 1541 Po Box 261
Wilmington, DE 19801

Fedloan
Po Box 60610
Harrisburg, PA 17106

Bonneville Billing & Collections cc
PO Box 150612
Ogden, UT 84415-0000

First National Bank
12 South Main
Layton, UT 84041-0000

Brian R. Heath
311 E 800 S
Smithfield, UT 84335

Harrington and Company
760 Layton Ave
Salt Lake City, UT 84104

Capital One
P.O. Box 60024
City Of Industry, CA 91716-0024

IC Systems
P.O. Box 64437
Saint Paul, MN 55164-0000

Cb/Vicscrt

Idaho Central Credit Union

Check City
1626 N Main Street
Logan, UT 84341-0000

3330 S 15th E
Idaho Falls, ID 83404

IHC McKay Dee Hospital Center
4401 Harrison Blvd
Ogden, UT 84403-0000

IRS
PO BOX 7346
Philadelphia, PA 19101-7346

ISN Corporation
2000 N Classen Blvd Ste 3200
Cashion, OK 73016

Jefferson Capial Systems LLC
PO Box 7999
Saint Cloud, MN 56302-7999

Johnson Mark LLC
P.O. Box 7811
Sandy, UT 84091-0000

Key Bank National Association
PO Box 30815
Salt Lake City, UT 84130-0815

Knight Adjustment Bureau
404 East 4500 South #A-34
Salt Lake City, UT 84107-0000

Mark Johnson LLC
PO Box 7811
Sandy, UT 84091

Meade Recovery Services
PO Box 352
Logan, UT 84323-0000

Merrick Bank
PO Box 5721
Hicksville, NY 11802-5721

Midland Credit Management
P.O. Box 60578
Los Angeles, CA 90060-0000

Mountain Land Collection
PO Box 1425
American Fork, UT 84003-0000

NAR
5225 Wiley Post Way #410
Salt Lake City, UT 84116-0000

Nar Inc
1600 West 2200 Sou Suite 410
West Valley Ci, UT 84119

North American Recovery
10 West Broadway
SLC, UT 84101-0000

Outsource
3017 Taylor
Ogden, UT 84403

PayPal Credit
P.O. Box 71202
Charlotte, NC 28272-0000

Physique Fitness
770 S 200 E
Brigham City, UT 84302

Portfolio Recovery Assoc.
120 Corporate Blvd Ste 1
Norfolk, VA 23502-0000

Portfolio Recovery Associates, LLC
POB 41067
Norfolk, VA 23541-0000

Rc Willey Home Furn
2301 S 300 W
South Salt Lake, UT 84115

Santander
8585 N. Stemmons Fwy Ste. 1100-N
Dallas, TX 75247-0000

Second Round
P.O. Box 41955
Austin, TX 78704-0000

Securian
400 Roberts Street North
Saint Paul, MN 55101

Specialized Loan Servicing
PO BOX 105219
Atlanta, GA 30348-0000

TBOM/Aspire MC
5 Concourse Pkwy
Atlanta, GA 30328-5350

U.S. Dept. of Housing and Urban Developm
451 7th Street S.W.
Washington, DC 20410-0000

United Heritage Insurance
707 E United Heritage Ct
Meridian, ID 83642

Us Dept Ed
Po Box 7202
Utica, NY 13504-7202

Utah State Tax Commission
210 North 1950 West
Salt Lake City, UT 84134-3340

Wasatch Peaks Credit Union
2780 Adams Ave
Ogden, UT 84403-0000

Wasatch Pk
1935 West 4800 South
Roy, UT 84067-2626

Waypoint Resource Group
PO Box 8588
Round Rock, TX 78683-0000

Weber Credit Union
1935 West 4800 South
Roy, UT 84067-0000

Chapter 13

Signature of Joint Debtor